

Docket No.: 067471-0129

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 53080  
Shigeyuki KOMATSU : Confirmation Number: Not Yet Assigned  
Application No.: 10/593,277 : Group Art Unit: Not Yet Assigned  
Filed: September 18, 2006 : Examiner: Not Yet Assigned  
For: SEMICONDUCTOR DEVICE

## RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notification of Missing Requirements of Application dated July 10, 2008. The Notification indicates that the declaration is missing. **It is believed that this Notification was mailed in error.** Submitted herewith is a copy of the executed Declaration and Power of Attorney which was filed with the U.S. National Phase Application on September 18, 2006. **This is further evidenced by the date-stamped return receipt postcard, the National Phase Application Transmittal (PTO Form 1390) dated September 18, 2006, and list of available documents for the above application retrieved from the PAIR.** It is therefore believed that the declaration filed with the U.S. National Phase Application on September 18, 2006 complies with 37 CFR 1.497 (a) and (b).

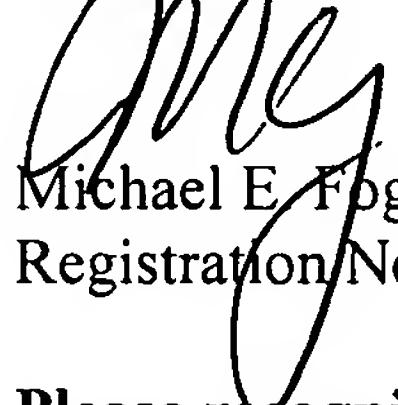
**Applicant respectfully request that the surcharge fee be waived in view of the U.S. Patent and Trademark Office's issuing the Notification in error, as is apparent from the evidence presented herein.**

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time or petition fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Michael E. Fogarty  
Registration No. 36,139

**Please recognize our Customer No. 53080  
as our correspondence address.**

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF:ln  
Facsimile: 202.756.8087  
**Date: August 14, 2008**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,277	Shigeyuki Komatsu	067471-0129

53080  
MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, NW  
WASHINGTON, DC 20005-3096

INTERNATIONAL APPLICATION NO.

PCT/JP05/04571

RECEIVED  
JUL 14 2008

I.A. FILING DATE	PRIORITY DATE
03/15/2005	

CONFIRMATION NO. 8833  
371 FORMALITIES LETTER

McDermott Will & Emery LLP  
DC Office



OC000000026796503

Date Mailed: 07/10/2008

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Copy of the International Application filed on 09/18/2006
- Copy of the International Search Report filed on 09/18/2006
- Preliminary Amendments filed on 09/18/2006
- Information Disclosure Statements filed on 09/18/2006
- Small Entity Statement filed on 09/18/2006
- U.S. Basic National Fees filed on 09/18/2006
- Substitute Specification filed on 09/18/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VALERIE D KINARD

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Telephone: (703) 308-9140 EXT 182



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09-18-2006	TRNA	<u>Application</u>	2	<input type="checkbox"/>
09-18-2006	SPEC	<u>Specification</u>	34	<input type="checkbox"/>
09-18-2006	CLM	<u>Claims</u>	4	<input type="checkbox"/>
09-18-2006	ABST	<u>Abstract</u>	1	<input type="checkbox"/>
09-18-2006	DRW	<u>Drawings-only black and white line drawings</u>	17	<input type="checkbox"/>
→ 09-18-2006		<u>OATH</u>	<u>Oath or Declaration filed</u>	<input type="checkbox"/>
09-18-2006	WFEE	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
09-18-2006	A.PE	<u>Preliminary Amendment</u>	1	<input type="checkbox"/>
09-18-2006	SPEC	<u>Specification</u>	1	<input type="checkbox"/>
09-18-2006	REM	<u>Applicant Arguments/Remarks</u>	1	<input type="checkbox"/>
09-18-2006	IDS	<u>Made in an Amendment Information</u>	3	<input type="checkbox"/>
09-18-2006	FOR	<u>Disclosure Statement (IDS) Filed (SB/08)</u>	3	<input type="checkbox"/>
09-18-2006	FOR	<u>Foreign Reference</u>	8	<input type="checkbox"/>
09-18-2006	371P	<u>Foreign Reference Documents submitted with 371 Applications</u>	7	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	2	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	3	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	1	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	2	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	3	<input type="checkbox"/>

			<u>Documents submitted with 371 Applications</u>	<u>PROSECUTION</u>	
09-18-2006	371P			4	<input type="checkbox"/>
09-18-2006	FOR	Foreign Reference		8	<input type="checkbox"/>
09-18-2006	FOR	Foreign Reference		12	<input type="checkbox"/>
09-18-2006	FOR	Foreign Reference		10	<input type="checkbox"/>
09-18-2006	FOR	Foreign Reference		8	<input type="checkbox"/>
09-18-2006	ABST	Abstract		2	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	<u>PROSECUTION</u>	60	<input type="checkbox"/>

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**PDF**

*If you need help:*

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the [webmaster@uspto.gov](mailto:webmaster@uspto.gov). While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

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Applicant: Shigeyuki KOMATSU Docket No. 067471-0129 Serial No. 10/593277  
 Not Yet Assigned

Title: SEMICONDUCTOR DEVICE Patent No. \_\_\_\_\_

Date Sent: 9/18/2006  Hand Carried  Fax  Electronic  Cert. of Mailing  1st Class Mail  Express Mail No. \_\_\_\_\_

Transmittal Letter

New Patent App  Utility  Design  Cont.  CIP  Div.  PCT  RCE  Prov

Other: \_\_\_\_\_

34 pages of Specification  Letter submitting \_\_\_\_\_ pages of drawings  
 4 pages of Claims  Req. for Approval of Drawing Amendments  
 1 pages of Abstract  Req. for Oral Hearing  
 17 pages of Formal Drawings  Not. of Appeal  Appeal Brief  Reply Brief  
 Small Entity  Large Entity  Rule 312 Amendment/Letter  
 Declaration/Power of Attorney  Req. for Acknowledgement of Cited Art  
 Recordation of Assignment/Security Agreement  Issue Fee  
 Information Disclosure Statement  Publication Fee  
 Form PTO 1449  Req. for Certificate of Correction  
 6 References attached  Maintenance Fee for \_\_\_\_\_ years after grant  
 Preliminary Amendment  Fee Address Indication Form \_\_\_\_\_  
 Response to Missing Parts Notice  International Search Report  
 Resp. to Notice to Correct App. Papers  Copy of International Published Application  
 Certified Copy of Priority Doc.  Forms PCT/IB/301, 304 and 308 (First and Second Notices)  
 Claim for Convention Priority  PCT Request

Request for \_\_\_\_\_ month Extension of Time

**IAP7 Rec'd PCT/PTO 18 SEP 2006**

Check for	\$	<input checked="" type="checkbox"/> Charge Deposit Acct. 500417	\$ 900.00	Atty Init.	MEF	Tkpr. #	3328	Secy. or PL:	AMcClure
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CMS Descrip.: 1-300.00 31-400.00 32-200.00 EARLY SERIAL NUMBER

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

067471-0129

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)  
Not Yet Assigned

INTERNATIONAL APPLICATION NO  
PCT/JP2005/004571

INTERNATIONAL FILING DATE  
March 15, 2005

PRIORITY DATE CLAIMED  
March 16, 2004

TITLE OF INVENTION  
SEMICONDUCTOR DEVICE

APPLICANTS FOR DO/EO/US  
Shigeyuki KOMATSU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached herewith (required only if not transmitted by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not transmitted by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendment has NOT expired.
  - d.  have not been made and will not be made.
8.  An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English translation of the International Application under 35 U.S.C. 154(d)(4).
20.  Other items or information.
  - 1) International Search Report
  - 2) International Published Application
  - 3) PCT/IB/301, 304 and 308 (First and Second Notices)
  - 4) PCT Request

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) Not Yet Assigned		INTERNATIONAL APPLICATION NO. PCT/JP2005/004571		ATTORNEY'S DOCKET NUMBER 067471-0129	
				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> The following fees are submitted: <input checked="" type="checkbox"/> Basic National Stage Fee				\$300	\$300.00
22. <input checked="" type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) All other situations				\$0 \$200	\$200.00
23. <input checked="" type="checkbox"/> Search Fee (37CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB All other situations				\$0 \$100 \$400 \$500	\$400.00
TOTAL OF 21, 22 and 23 =				\$900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction Thereof (round up to a whole number)	RATE		
56-100	0/50=	0	X\$250	\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	13-20 =	0	x \$50.00	\$0	
Independent Claims	2-3 =	0	x \$200.00	\$0	
Multiple dependent claim(s) (if applicable)				+ \$360.00	\$0
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
				SUBTOTAL =	\$900.00
Processing fee of \$130.00 for furnishing the English translation later than the 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$0	
				TOTAL NATIONAL FEE =	\$900.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$	
				TOTAL FEES ENCLOSED =	\$900.00
				Amount to be refunded	\$
				Amount to be charged	\$900.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>500417</u> in the amount of <u>\$900.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500417</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:			September 18, 2006		
Customer Number 53080			SIGNATURE	DATE	
Telephone: 202.756.8000			Michael E. Fogarty		
Facsimile: 202.756.8087			NAME		
			36,139		
			REGISTRATION NUMBER		